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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,033	09/25/2001	Gero Baese	112740-313	9877
29177	7590	08/05/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC			ENG, GEORGE	
P. O. BOX 1135			ART UNIT	
CHICAGO, IL 60690-1135			PAPER NUMBER	
			2643	
DATE MAILED: 08/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/964,033

**Applicant(s)**

BAESE ET AL.

**Examiner**

George Eng

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5, 7-9 and 11 are rejected under 35 U.S.C. 102(e) as being Koeller anticipated by Koeller (US PAT. 6,297,766).

Regarding claim 1, Koeller discloses a portable weather indicating method for recording environmental data comprising the steps of physically integrating an environmental data recording device (202, figure 2) with a base station (200, figure 2) of a mobile radio network, and recording the environmental data via the environmental data recording device (col. 3 lines 56-67 and col. 4 lines 6-32).

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Regarding claim 2, Koeller discloses environmental data recording device being at least partially disposed within the base station (figure 2).

Regarding claim 5, Koeller discloses the base station including other processing device, i.e., a computer, located outside a mobile station for processing the recorded environmental data forwarded by environmental data recording device before sending to the mobile station (col. 5 lines 10-19).

Regarding claim 7, Koeller discloses an apparatus (202, figure 2) for recording environmental data relating to the environment of the apparatus comprising sensors to record the environmental data (col. 4 lines 26-32), and interfaces to transfer the environmental data from the sensors to a base station (200, figure 2) of a mobile telecommunication network in which the apparatus is disposed (col. 3 lines 56-67 and col. 4 lines 6-25).

Regarding claim 8, Koeller discloses the apparatus being physically integrated in the base station (figure 2).

Regarding claim 9, Koeller teaches the data source (202, figure 2) capable of providing at least one of air pollution data, pollen information data, weather data, air pressure data, temperature data, UV index data and wind strength data (col. 4 lines 26-32) so that the data source inherently comprising the sensors in order to sense and obtain at least one of air pollution data, pollen information data, weather data, air pressure data, temperature data, UV index data and wind strength data.

Regarding claim 11, Koller discloses a base station (200, figure 2) for a mobile telecommunication network, comprising a data source (202, figure 2) for recording environmental data relating to the environmental of apparatus, the apparatus being obtained the

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environmental data, such that the environmental data is transferred to the base station via the interfaces (col. 3 lines 56-67 and col. 4 lines 6-32). Note Koeller teaches the data source (202, figure 2) capable of providing at least one of air pollution data, pollen information data, weather data, air pressure data, temperature data, UV index data and wind strength data (col. 4 lines 26-32) so that the data source inherently comprising the sensors in order to sense and obtain at least one of air pollution data, pollen information data, weather data, air pressure data, temperature data, UV index data and wind strength data.

4. Claim 11 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Inha et al. (EP 0690639A2 hereinafter Inha).

Inha discloses a base station (1, figure 1) for a mobile telecommunication network, comprising a weather station (2, figure 1) for recording environmental data relating to the environmental of apparatus, the apparatus being connection via interfaces to sensors (3 and 4, figure 1) which record the environmental data, such that the environmental data is transferred to the base station via the interface (the entire patent).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeller (US PAT. 6,297,766) in view of Busby et al. (US PAT. 5,964,630 hereinafter Busby).

Regarding claims 3-4, Koeller teaches to obtain the measuring data including at least one of air pollution data, pollen data, weather data, air pressure data, temperature data, UV index data and wind strength data, wherein the measuring data is forwarded via the environment data recording device to the base station (col. 4 lines 6-32). Koeller differs from the claimed invention in not specifically teaching the to connect sensors to the environmental data recording device via one of lines and radio, and forwarding the data to the base station via an interface which is respectively one of line-based and radio based. However, Busby discloses a display system for remote weather conditions including a central computer to communicate with remote data sensors over conventional telephone lines for obtaining weather data (col. 1 lines 36-40) or a central base station to obtain weather data via a wireless interface (col. 1 line 51 through col. 2 line 3) in order to enable the base unit to efficiently and economically collect data. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was

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made to modify Koeller in connecting sensors to the environmental data recording device via one of lines and radio, and forwarding the data to the base station via an interface which is respectively one of line-based and radio based, as per teaching of Busby, in order to enable the base unit to efficiently and economically collect data.

7. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeller (US PAT. 6,297,766) in view of (EP 0690639A2 hereinafter Inha).

Regarding claim 6, Koeller teaches to transmit the recorded environmental data to at least one mobile radio device (100, figure 1) in point-to-point fashion (col. 5 lines 27-49). Koeller differs from the claimed invention in not specifically teaching to transmit the recorded environmental data to according to a customer profile of at least one mobile radio subscriber. However, it is old and notoriously well known in the art of improving a weather forecast service by providing collected weather data to appropriate customers having subscriber equipment that are adapted to support such service in accordance with a customer profiles, for example see Inha (col. 3 line 57 through col. 4 line 23). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Koeller in transmitting the recorded environmental data to according to a customer profile of at least one mobile radio subscriber, as per teaching of Inha, in order to improve the weather forecast service.

Regarding claim 10, Koeller differs from the claimed invention in not specifically teaching at least one of the apparatus and the sensors being connected to at least one of a power supply of the base station and data lines to the base station. However, Inha teaches at least one of the weather station (2, figure 1) and sensors (3 and 4, figure 1) being connected to at least one of



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a power supply (7, figure 1) of the base station (1, figure 1) and data lines (6, figure 1) to the base station (col. 3 lines 29-56) in order to adapt to utilize energy supply system and mast constructions of the communication network base station for preventing transient over-voltage protection and high fault rate of a cable connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Koeller in having at least one of the apparatus and the sensors being connected to at least one of a power supply of the base station and data lines to the base station, as per teaching of Inha, because it prevents transient over-voltage protection and high fault rate of a cable connection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Robinson (US PAT. 6,154,143) discloses a portable meteorological information system comprising a ground based automated weather station for transmitting gathered meteorological information to a receiving processing unit via wireless communication network (col. 4 line 58 through col. 6 line 57).

Baer et al. (US PAT. 5,920,827) discloses a wireless weather station for measuring a number of weather parameters over an extended time at data collection location and transmitting the measured weather parameters to remote location (abstract).

Brown (US PAT. 5,978,738) discloses a portable weather station having sensors for determining a plurality of local weather conditions including temperature, barometric pressure,

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humidity, ambient light, and ambient static charge and a radio receiver for communicating with global weather reporting communications system utilizing cellular communications (abstract).

Shelton (US PAT. 5,568,385) discloses a computer-based system for collecting and displaying weather information and broadcasting the collected weather information to a plurality of viewers (abstract).

Nemoto et al. (JP 2001177875A) discloses to provide a wireless communication system and portable telephone by which a user can recognize outdoors weather information (abstract).

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

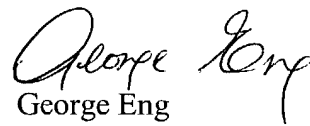
Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

A handwritten signature in cursive script that reads "George Eng". The signature is written in black ink and is positioned above the printed name and title.

George Eng  
Primary Examiner  
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